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# **Does the public need criminology?**

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## **Introduction**

A notion of 'public' has been transmitted to us through the well-known philosopheme of the murdered Chinese. It goes: we are given a magic gift by which, through simply pressing a button, every wish we utter will be immediately granted, but at a price: every time we press the button, one Chinese will die. How many people would refrain from pushing that magic button? This question was posed by Francois-René Chateaubriand first, Honoré de Balzac later and Karl Polanyi later still (Brie, 2017).

This notion of 'public' incorporates an obligation to assume responsibility for the lives of others, protect society as a whole and, as Immanuel Kant put it, embrace a form of world patriotism. This contribution will set off by explaining how difficult it is for criminology as an academic discipline to accept such an obligation. Three sets of difficulties will be highlighted: first, those experienced by criminologists; second, those suffered by the public; and third, those challenging public action and social movements.

## **Criminologists in the marketplace**

In many countries, criminologists witness the global decline of universities, which are now structured as enterprises under the control of managers. The power of the latter is due less to their intellectual strength in some specific area of knowledge than to their expertise in managing any business, be that a financial institution or a supermarket. Universities, as a consequence, tend to jettison critical thinking and adopt a view of themselves as organs of the marketplace. Academics are required to gear their research to the boosting of the economy, to translate their findings into new opportunities for business, even though there is a high probability that many businesses then will end up hiding their profits in Panama. Students are charged scandalous fees and are encouraged to convert their desire to learn into an expectation for high grades in the name of their sacred rights as customers. And while the prevailing economic doctrines determine the gloomy prospects of graduates, universities are required to address 'employability', implying perhaps that they should train students to accept zero-hour contracts? When academic staff members are moved into new premises, the space to keep books into their minuscule shared offices is limited:

'the dream of our boneheaded administrators is of a bookless and paperless environment, books and paper being messy, crumply stuff incompatible with a gleaming neo-capitalist wasteland consisting of

nothing but machines, bureaucrats and security guards' (Eagleton, 2016: 153).

Finally, vanity, envy and petty competition, which often connote academic life, are exacerbated by the new climate, making universities 'cribs of the selfish gene', where the pursuit of success leads to mere self-interested action. Against this background, it is hard to establish what type of contribution academic disciplines might make to the 'public'.

The process that embedded criminology in the marketplace, however, cannot be solely imputed to political external forces. There is an endogenous mechanism within the development of criminology as a discipline, more precisely as an 'independent' discipline, that makes its attempt to 'go public' extremely difficult. In order to claim its own scientific uniqueness, criminology has always been tempted to delimit its field of study, and often to distance itself from the very mother discipline that gave it birth. I am alluding to classical sociology and social theory, which contain notions of public action and conceptual traces of 'social movement', though such traces form a vague corollary to its central concern around conflict and social change. Often, both the concept of 'movement' and that of 'change' are hidden behind, and coalesce with, notions of instability and incumbent menace. Exclusive attention to the latter notions was part of the cost criminology had to pay for its ambition to independence. Disciplinary independence, in other words, grew out of the ambivalent nature of the social forces bringing change, their unpredictability and presumed irrationality. Ultimately, confronted with unprecedented industrial and urban development, criminology alimanted its independence with what I would term a deep sociological 'fear of living together' (Ruggiero, 2001; 2003). Concepts such as 'social change' and 'collective action', which imply public commitment, are less useful to the expansion of criminology than variables like 'fear' and 'hell'. As a consequence, transitional zones and criminal areas became central scenes of enquiry, with the sociological gaze being diverted from more general conflicts.

Let us remind ourselves that the major concerns of sociological theory in general have always been conflict, movements and social change. Durkheim (1960) explains how an unwanted division of labour in society leads to movements trying to modify that division of labour (right to combat). Of course, for a sociologist *avant la lettre* like Marx, conflict, movement and social change are the core, if not the exclusive issues, on which any theorizing should be based. Max Weber (1947) describes 'class action' and includes in his reasoning a crucial element of subjectivity: collective action requires not only a distinctly recognizable condition of social injustice, but also an awareness that such injustice is unacceptable, because based on an arbitrary distribution of resources and power. Finally, Georg Simmel's (1978) notion of fluidity and movement describes a feeling of dizziness but also one of perpetual change. In his *Philosophy of Money* one perceives a constant conflict between the objectivity of technological production and financial exchange, on the one hand, and the subjectivity of individuals and groups making choices in their daily life, on the other. In brief, the founders of sociological thought are concerned with the variables and concepts which are central to the study of public action. Criminology forgoes these concepts when claiming its academic and scientific

independence. Its mission, not only among mainstream representatives of the discipline, consists in devising a mere social technology, one which can be applied in response to synchronic, immediate and urgent situations. This sense of urgency hinders the understanding of the historical dimensions of social action, while limiting the criminological horizon to immediate contingencies.

Public criminology encounters a similar Gordian knot: the more it talks about itself, the more it has to distance itself from social theories: even when 'conflict' and the 'allocation of resources' are brought into the equation, only risible conflicts can be addressed and negligible degrees of redistribution achieved. In this sense, the 'arrogance' detected by Tittle (2004) in public sociology denotes, in fact, most criminology, a discipline which needs 'informants' not peers, a type of social inquiry that needs to teach others in what contexts they are situated, which the others presumably ignore. Criminologists, Olympian observers, believe they can see the whole picture. 'The excuse for occupying such a bird's eye view is usually that scientists are doing reflexively what the informants are doing unwittingly' (Latour, 2005: 33). Lack of proximity, in this context, makes criminology unaware of change, movement, of how individuals and groups shift from one form of association to another, in brief, how they engage in the reassembling of the collective. As Bauman (2011: 163) has contended, our objects of study are not dumb by nature, but in order to retain our status 'and to secure the sovereign authority of our pronouncements, the objects to which our pronouncements refer need first to be made dumb'.

This 'dumbness' emerges even when re-reading the classical texts of new, radical, criminology, where the topics of conflict and collective action constitute an extraordinary omission in the range of deviant acts and crimes which, allegedly, 'contribute to human liberation' (Taylor, Walton and Young, 1973). Therefore, while deviant hedonistic activity, vandalism ('kicking back at a rejecting society'), forms of individual industrial sabotage ('working at one's pace') (ibid: 271), and even 'some sex crimes' (sic!) are all included among the subjective choices to challenge 'the social structure and the structure of power', organised collective action is surprisingly excluded. The suspicion arises that such omission is due to the very organised nature of collective action, which may turn violent, and express too high a degree of subjectivity even for new criminologists to handle. In other words, when faced with socially vulnerable actors it is always possible for criminologists to attribute a degree of subjectivity to those actors and offer an interpretation of their conduct in the form of sympathy, whether or not those adopting such conduct explicitly request or welcome such sympathy. This is part of the propensity of some criminologists to study marginalized communities with a missionary zeal and a honeyed paternalism that derive from traditional philanthropy. Similar criminologists need their objects of study more than they need them, and in the face of strong expressions of subjectivity attributions of subjectivity from without become totally inappropriate. Ultimately, the only forms of political action with which the new criminologists seem analytically 'comfortable' are those embryonic forms of social dissent, or even those 'unconscious', 'pre political' elements of contention that one could (naively?) read in conventional criminal acts. In this case, at least, criminologists can fulfill their mandate by unveiling the 'conscious' meaning behind such acts, while their role tends to wither away when consciously

organised conducts prove that, at times, actors have nothing to learn from those interpreting them.

With new developments, for example the emergence of cultural criminology, little appears to change. Crime is located in everyday life, a site of drama, tragedy and joy, and it is captured as a holistic phenomenon, with 'its adrenaline, its pleasure and panic, its excitement, and its anger, rage and humiliation, its desperation and its edgework' (Young, 2011: 84). But again, all of this describes 'transgressive' acts which remain pre-political in nature, while it is left to criminologists to detect in those acts a desire for social change of which the 'dumb' actors are supposed not to be aware.

### **The eclipse of the public**

It is time to revisit 'the public', namely the context into which criminologists are expected to bring their action.

Democracies are successful when they celebrate the public and allow it to flourish, when they produce individuals and groups capable of acting as the whole community of which they are a part (Mead, 1934; Blumer, 1998). By contrast, they are unsuccessful when they inspire individuals and groups to pursue completely different social orders. I would like to describe such unsuccessful democracies as 'off-shore democracies', that seem to be shaped by a crisis of hegemony leading them to suspend the rules to which they, nevertheless, claim loyalty.

Secrecy characterizes many operations conducted by contemporary global elites, in the economic as well as in the political realm (Urry, 2014). The term 'off-shore', applied to the range of financial irregularities that allow the hiding of wealth (Ruggiero, 2017), can also describe contemporary mechanisms of democratic decision-making and practices, which in turn are increasingly 'hidden' from public scrutiny. Let us delineate this process.

Empirical theories of democracy tend to focus on existing models, so that they end up endorsing the status quo as the most preferable arrangement. Inspired by a sense of 'realism', such theories jettison suggestions of improvement, let alone of alternative models, treating them as idealistic, empirically inadequate or 'unreal' (Held, 2006). However, the performance of 'real' democratic systems cannot be dissociated from the evaluation expressed by those who experience the functioning of such systems. Civil society, for instance, may not limit its action to the periodical expression of voting preferences, but is likely to put forward demands and, in so doing, exercise a form of surveillance or vigilance over institutional decisions. A public sphere distinct from the state apparatus, in other words, constitutes a key component of what we ought to understand for democracy. Democratic decision making, in brief, can be accomplished through political action from below.

'In the historical evolution of democratic regimes, a circuit of surveillance, anchored outside state institutions, has developed side by side with the institutions of electoral accountability... democracy develops with the permanent contestation of power' (Della Porta, 2013: 5).

Non-state aggregations, including independent media and professionals, pressure groups, non-governmental organizations and social movements have traditionally played such a surveillance function. The latter, in particular, as relevant actors and purveyors of collective needs and sentiments, express implicit judgments on elites and their activity. What distinguishes democratic systems is their specific capacity to respond to such judgments or, to put it differently, their ability to deal with contentious politics.

Not all politics is contentious, as it commonly consists of elections, consultation, ceremony and bureaucratic process (McAdam, Tarrow and Tilly, 2001). Social movements, instead, do express contentious politics when they make 'contained' and/or 'transgressive' claims, namely when demands are put forward through well-established and/or through innovative means. Ultimately, democracy distinguishes itself from other regimes in that its elected political agents should be able to interact with challengers, with new political entities and their innovative collective action (Tilly, 2004; 2007). Democracies, in brief, can be classified on the basis of the elasticity of their structures and the degree to which they encourage political processes and social dynamism leading to change (Ruggiero and Montagna, 2008).

This classification was proposed by some among the very founders of classical political thought, with Machiavelli (1970), for instance, identifying as corrupt those systems that proved unable to deal with tumults and other forms of troubling dissent. Contention, including violent contention, Machiavelli argued, causes no harm, particularly when the elite, through changes in social arrangements and legislation, defeats the corrupt elements within itself. Livy's history suggests that the absence of corruption was the reason why the numerous tumults that took place in Rome 'did no harm, but, on the contrary, were an advantage to that republic' (Bull, 2016: 35).

Democracies can claim that they are concerned with the pursuit of harmony and public wellbeing, but as Dewey (1954) argued, they can hardly claim that their acts are always socially beneficial. For instance, one of the most regular activities of democracies is waging war.

'Even the most bellicose of militarists will hardly contend that all wars have been socially helpful, or deny that some have been so destructive of social values that it would have been infinitely better if they had not been waged' (ibid: 14).

Democratic political acts, therefore, may be presented as socially beneficial, even when their anti-social nature prevails. This is why citizens, Dewey warned, should be cautious in identifying their community and its interests with politically organized institutions and theirs. While launching this warning, Dewey approached an embryonic notion of social movement, stressing that the recognition of the harm caused by states on behalf of the public leads the public itself to institute its own sphere of action with the purpose of conserving and expanding its interests. Democracies striving to achieve unity, on the other hand, may do so only by imposing intellectual uniformity and 'a standardization favourable to mediocrity' (ibid: 115). They tend to regiment opinions and respond to difference with astonishment or punishment: mass production is not confined to the factory but covers ideas, an argument that led Dewey to identify a

process of 'eclipse of the public'. While the political candidate, with 'his firm jaw and his lovely wife and children' (ibid), prepares to make decisions, he also breeds indifference if not contempt. We are faced, here, with a crisis of politics as perceived around a century ago, when the public grew apathetic, bewildered, barred from expressing its opinion or dissent.

In brief, off-shore democracies are unable to deal with political contention, to interact with challengers, to accept contestation, and to submit choices to collective assessment and deliberation. They are incapable of appreciating the role of 'the public', thus testifying to a crisis of politics that pushes them in the direction of increasing secrecy. Crucial decisions affecting all are made in closed enclaves impervious to popular control.

### **Intolerance and political de-skilling**

Intolerance towards public dissent constitutes one of the major manifestations of today's crisis of politics, which hampers the possibility of collective action, denies space for negotiation between rulers and ruled, and ultimately prevents human communities from representing themselves as agents of their own history (Balibar, 2016). In this sense, the very notion of citizenship is 'under siege and reduced to impotence', while democratic systems take on a 'pure' form, namely they become capable of dealing exclusively with their own logic and the mechanisms of their own reproduction (ibid: 12). Individuals and groups, as a consequence, are expelled from their public place (Sassen, 2014).

While reducing the opportunities for participatory forms of action, contemporary democracies simultaneously expand the sphere of delegation. Thus, the electoral process becomes increasingly influenced by private interests expressed through the initiative of donors and lobbyists. Soliciting bribes is now termed 'fundraising' and bribery itself 'lobbying', while bank lobbyists 'shape or even write the legislation that is supposed to regulate their banks' (Graeber, 2013: 114).

While participation is discouraged, enclaves of political and economic power become increasingly unreceptive to the moods and needs of the public. Hidden from the public, such enclaves lead a process of political de-skilling of the public, who grows impotent, disillusioned and, again, apathetic.

Lack of participation marks the simultaneous decline of deliberative practices, namely those processes leading to the formation of opinions in interaction with others. These practices characterize social movements and the way in which their horizontal communication produces tolerance for the other and acceptance of diversity. The shift in institutional responses to social movements, looking at purely technical factors, proves how this communicative process is being hampered. Protest raises military responses, aided by crowd-control techniques such as 'kettling' or 'coralling'. The former is a metaphor likening the containment of protesters to the containment of heat and steam within a kettle, and consists in the encircling of demonstrators and their subjugation through forced immobility. To avoid allusions to military confrontation, however, the latter term is used, which refers to the practice of enclosing animals and restricting the territory they occupy. Demonstrators so 'kettled' or 'coralled', being denied access to food, water and toilet facilities, are unlikely to fight and defy batons or electrified 'battle-prods'. Often, growing tired after hours of being

surrounded, they may just ask to go home. In some cases, the 'kettling' takes place well before the agreed location is even reached by protesters, who are blocked at bus or train stations and physically prevented from joining the demonstration. Regarded as a violation of human rights, these techniques and their military corollary increase the cost of protest, eliciting feelings of injustice and, therefore, at times strengthening the willingness to participate.

Certainly, the militarization of crowd control is perhaps a constant feature of democracies, which have often found it particularly hard to recognize the right to demonstrate and to negotiate with demonstrators. This feature, however, has gained novel prominence with the transformation of public into private space, whereby demonstrators are seen as perturbers of the smooth running of business, enemies of consumers and deniers of their 'human right' to shop. Idle demonstrators had better evacuate private spaces, because they do not count, they are neither consumers nor labour force. The philosophy behind this shift is found in the paradoxical idea that, in countries where dissent is permitted, there is no need to dissent: on the contrary, it is in countries where opposition is banned that protest is justified. Hence the disingenuous claim that regime change, carried out through the invasion of undemocratic countries, is aimed at providing their inhabitants with the right to protest.

### **Revitalizing the public**

The argument presented so far is that, as forms of government become increasingly elitist and circles and networks of power grow impervious to external needs and demands, they are led to dismiss negotiation with any public force. It is unlikely that criminology can restore or energize social forces. Rather, the revitalization of the public can be achieved through the revitalization of social movements, which would raise the density of communication among individuals and groups and contribute to the development of cosmopolitan identities (Della Porta, 2013). In this sense, criminology cannot go public unless social groups restore a public sphere and include all in it, criminologists among them, who could attempt through public participation to allay their selfish gene.

Restoring the public sphere may lead to collective action, although the modality and protagonists of such action will depend on the underlying philosophy inspiring it. Traditional social movements take inspiration from specific sectors of society (for instance, the industrial working class), their needs and demands, which are deemed the core source of contentious action. Contemporary social movements, however, may not elect any specific sector of society as its vanguard, but rather base their activity on a plurality of forces present in the public sphere. The concept of multitude may help identify such social movements, as the multitude possesses diverse wills and desires and is composed of individuals who constitute a threat to the monopoly of political decision making. 'The challenge posed by the concept of multitude is for a social multiplicity to manage to communicate and act in common while remaining internally different' (Hardt and Negri, 2004: xiv).

Multitudes produce communication, relationships, forms of life, images, ideas and affects. They mark a shift from centralized forms of political contention, while their networked structure is adaptable to a diversity of struggles. It is in



this networked structure that, among other actors, criminologists may find space. This is possible if a distinct conception of social change is embraced.

Some conceptions of the social world and visions of history see 'structures', guided by 'laws' and animated by 'forces', while seeing 'the public' as fundamentally determined in its action by those structures, laws and forces (Boltanski and Chiapello, 2018). The volition of those participating in public action, according to such conceptions, does not affect social change or, for that matter, the direction their contentious politics will give to the course of history. Public action, in this perspective, is inscribed in a pre-determined design indicating the inevitable trajectory of social arrangements, their development and ultimate decline. Revolution is on the agenda of history, not in the plans of those fighting for it. In these conceptions, intellectuals such as criminologists may or may not have a place: they may if they follow the leadership of the subjects chosen for carrying out the inevitable outcome of their historical mandate-mission; they may not if they claim independence from that leadership and claim loyalty to their own professional identity. These conceptions, that we may well describe as positivist, require that those participating remain in the closets possible contact with the core protagonists of public action, namely the sectors of the working population that, according to the historical period, suffers more or less the humiliation, exploitation and, in general terms, the most stringent contradictions of the systems that will be superseded.

Positivist conceptions require scientific analyses not only of concrete conditions and historical trends, but also of the values and ideas harbored by social and political actors. Because structures, laws and forces are supposedly beyond their control, their consciousness is also determined by the position they occupy in society and in the productive system. Therefore, ideas that do not coincide with those involved in contentious action are deemed ideologies.

The conundrum of criminologists, as a consequence, becomes evident. Criminologists may chose to unveil the lies represented by ideologies and clarify to subjects the 'real' values and principles that they should hold, admonishing them that their beliefs constitute false consciousness that helps them survive in an unjust system. In this case, a patronizing attitude will be put in place that can be rejected by the subjects addressed, who might legitimately claim that they never dreamed of appointing criminologists (of all people) as their representatives or political vanguards. Another choice for criminologists could consist in the recognition of their own ideology, namely the hypocritical cover that allows them to make sense of their role and position. In this case, however, a relentless work of reflectivity and self-analysis would be required to which not many criminologists are inured.

Distancing themselves from positivist conceptions, participants in public action can see people's choices as the outcome of will rather than the result of ready-made programmes inscribed in structures. Action, from this perspective, becomes intentional, it signals the willingness of participants to assume risk and to pursue their own normative principles. Criminologists, in this case, will have to compare their own principles with those held by actors involved in the public arena and verify whether risks may be jointly taken with them. This does not mean that values and principles constitute the only realm in which criminologists can engage, as the material sphere is essential for the development of the public. It is in fact when material precariousness diminishes

that critique can be revived. This is what we learn, for instance, from resource mobilization theory in the sociology of social movements, which hypothesizes that not scarcity but availability of concrete and symbolic tools offers social groups opportunities for action. Mobilization, it could be argued, is not just the result of frustration and discontent, but also of strength and resources. These include anything from infrastructures to funds, from the capacity to deliver services to non-material items such as authority, moral commitment, trust, skills and camaraderie (Ruggiero and Montagna, 2008). Mobilization, therefore, is a process by which aggrieved groups marshal and utilize resources for the pursuit of specific sets of goals. It may be determined by the strength of pre-existing organization, networks and resources, but it is certainly also propelled by collective solidarity, ideological commitment and shared identity. The difficulty remains, however, when we attempt to ascertain to what extent criminologists are prepared to marshal their resources and moral commitment alongside aggrieved groups

On the one hand, a public criminology may establish an alliance with powerless groups and expose and fight the crimes of the powerful. The difficulty, here, is finding out how many criminologists pay attention to this type of criminality, within a discipline that is still predominantly focused on conventional deviance and the crimes of the excluded. On the other hand, public criminologists may be guided by the indignation they prove when faced with the conditions of others. Without this emotional reaction, critique is hard to develop, although emotions may prove insufficient to produce action for change. Giving voice to the excluded while translating their needs into terms that refer to the common good may be a solution, but it must be recognized that public criminologists, rather, tend to choose their interlocutors among the included. In this sense, something esoteric and elitist still remains in the description of 'public criminology' as we find it in relevant texts (Loader and Sparks, 2010). In some such texts, it seems that experts working in academia seek the help of experts working in adjacent areas and, while begging for their benevolence, try to improve the lives of others, namely non-expert actors. This 'plea to be nice' addressed to policy-makers displays yet another element of what earlier I have described as missionary and paternalistic criminology, which is prepared to stand by the underdogs as far as they remain such (Ruggiero, 2012). This type of criminology echoes the call for *clementia* that Seneca (2009) addressed to Nero, elevating clemency (not justice) as the ruler's cardinal virtue. Seneca supported autocracy as a virtuous form of government, and clemency, namely the capacity to grant mercy or pardon, as the prime prerogative of autocrats. Academics acting as mere 'mediators' between the socially excluded and the authorities perpetuate the 'mechanism of dominance' enacted through the expropriation of speech. Unwittingly, such mediators may 'destroy the communicative infrastructure that constitutes the basis for a cooperative mobilization and elaboration of feelings of injustice' (Honneth, 2007: 88). Public criminology, without involving those who suffer, does not refer to the common good, but to its own good, namely the criminal justice apparatus that gives it an occupational context and an academic identity.

## Conclusion

The difficulties highlighted in this contribution pertain to the current state of academic criminology, the harsh conditions encountered by the public action and the obstacles preventing the development of collective action. These three sets of difficulties can be referred to the dichotomy included-excluded as we observe it in national as well as international contexts.

‘Included are those who are connected, linked to others – people of higher-level bodies such as public services, families, firms, policy-makers – by a multiplicity and diversity of bonds’ (Boltanski and Chiapello, 2017: 348).

By contrast, the excluded are those whose ties binding them to others have been severed, those who have thus been relegated to the fringes of the social system, where needs are either invisible or interpreted as ‘problems’. These are the ‘disaffiliated’, persons whose connections have been successively broken and whose existence is regarded as extraneous to the social fabric (Castel, 2008). Criminologists have a world of work to do before providing the excluded with an alternative source of affiliation.

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